

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In Re: Brandi Monique Daniels)	CHAPTER 13
)	CASE NO. 17-52679
Debtor)	JUDGE ALAN M. KOSCHIK
)	
)	<u>OBJECTION TO PROOF OF</u>
)	<u>CLAIM FILED BY SANTANDER</u>
)	<u>CONSUMER, USA, INC.</u>
)	<u>(CLAIM # 7 -1)</u>

Now comes the Debtor, by and through her attorney, Ryan J. Gerace, and respectfully requests this Court to deny the Proof of Claim filed by Santander Consumer, USA, Inc. (claim # 7-1) in the above-captioned case. Santander Consumer, USA, Inc.'s claim in question claims 18.82% interest on a secured automobile loan which is excessive. The interest rate should be set at 6.5% pursuant to the Debtor's confirmed Chapter 13 Plan and **In re Till, 541 US 465, 124 S.Ct. 1951**. The Debtor also respectfully requests that the interest rate on this claim shall be calculated retroactively to the date of the filing of the Debtor's case once this objection is granted and the claim be adjusted. Since Santander's proof of claim is bifurcated (\$7,175.00 secured and \$2,659.41 unsecured), once the interest is re-amortized, if the secured portion of the claim is paid off, the remaining reduction in interest shall be applied to the unsecured portion of Santander's proof of claim.

Respectfully Submitted,

/s/ Ryan J. Gerace
Ryan J. Gerace (0075913)
Borders & Gerace, LLC
529 White Pond Drive
Akron, Ohio 44320
Tel (330) 983-9719
bandakroncourtnotices@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2020, a true and correct copy of this
OBJECTION TO PROOF OF CLAIM was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are
listed on the Court's Electronic Mail Notice List:

Keith L. Rucinski, for the Office of Chapter 13 Trustee, at efilings@ch13akron.com
Office of the United States Trustee

And by regular US Mail, Postage Paid, on this 25th day of June, 2020 to the following
parties listed below. Further, Counsel for the Debtor represents to the Court that
claimant/creditor was served at the address below pursuant to Fed. R. Bankr. P. 2002(g)(1)(A):

Debtor:

Brandi Monique Daniels
322 Trigonía Drive
Akron, Ohio 44302
*(*Served via Regular US Mail*)*

Creditor:

Santander Consumer, USA, Inc.
Attn: Abel Marin
PO Box 961245
Fort Worth, TX 76161-1245
*(*served via regular US Mail*)*

/s/ Ryan J. Gerace, Esq.
Ryan J. Gerace (0075913)